

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PATRICIA DAFFIN,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. C-1-00 458

Judge Dlott

**DEFENDANT FORD MOTOR
COMPANY'S MOTION TO
RESCHEDULE ORAL ARGUMENT
ON PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION**

Defendant FORD MOTOR COMPANY ("Ford"), respectfully moves the Court to reschedule the December 11, 2003 oral argument on Plaintiffs' Motion for Certification of a Statewide Class, to: 1) sometime between December 22, 2003 and January 12, 2004, or 2) sometime after January 31, 2004. A memorandum in support of this motion is attached hereto.

Respectfully Submitted,

December 2, 2003

s/Gary M. Glass

Gary M. Glass (0042417)

THOMPSON HINE LLP

Suite 1400

312 Walnut Street

Cincinnati, Ohio 45202

Telephone: (513) 352-6700

Brian C. Anderson (pro hac vice)

John F. Niblock (pro hac vice)

Thomas Kuczajda (pro hac vice)

O'MELVENY & MYERS LLP

1625 Eye Street, N.W.

Washington, DC 20006

Telephone: (202) 383-5300

Facsimile: (202) 383-5414

Attorneys for Defendant Ford Motor Company

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PATRICIA DAFFIN,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. C-1-00 458

Judge Dlott

MEMORANDUM IN SUPPORT

1. On December 16, 2002, Ford moved for oral argument on Plaintiff's Motion for Certification of a Statewide Class.
2. Nine months later, on September 16, 2003, this Court granted Ford's Motion for Oral Argument on Plaintiff's Motion for Certification of a Statewide Class, and set November 13, 2003 as the hearing date.
3. On October 31, 2003, the Court ordered the parties to prepare to respond to certain class and jurisdictional issues.
4. Shortly after the Court issued its October 31, 2003 order, Plaintiff's counsel, John Murdock, telephoned Ford's counsel, John Niblock, to propose that the parties submit written responses to the issues raised in the Court's order. Mr. Murdock noted that if the Court allowed such briefing, the date for oral argument might need to be moved.
5. Mr. Niblock informed Mr. Murdock that Ford was prepared to argue the class certification motion on November 13, 2003, as originally scheduled, and did not believe that postponement or further briefing was necessary. Nevertheless, Mr. Niblock indicated that if Plaintiff requested additional briefing, Ford would not oppose Plaintiff's motion.

6. Mr. Niblock noted, however, that he was scheduled to be in trial in another case, *Doe v. Unocal Corp.*, Case No. BC 237980 (L.A. Co. Super. Ct.), beginning December 3, 2003. The December 3 trial date in *Unocal* had been established by the Hon. Victoria Chaney on September 30, 2003. (See Notice of Ruling Re September 30, 2003 Status Conference in *Doe v. Unocal*, attached as Exhibit 1 of the Declaration of John Niblock.) Given that the *Unocal* trial could last several weeks, it posed a potential conflict for rescheduling oral argument on the class certification motion. Mr. Murdock indicated that if such a conflict did arise, Plaintiff would not oppose further delaying oral argument on her class certification motion.
7. On November 6, 2003, this Court issued an order continuing the hearing on class certification to December 11, 2003, and ordering the parties to brief the issues raised in the October 31, 2003 order.
8. On November 18, Judge Chaney delayed the start of the *Unocal* trial briefly from December 3 to December 9, 2003. (See Transcript of Proceedings at 14 (November 18, 2003) in *Doe v. Unocal*, attached as Exhibit 2 of the Declaration of John Niblock, attached hereto.) The *Unocal* trial is currently scheduled to last from December 9 – 16, 2003, and to resume again on January 13, 2004 for approximately two additional weeks. Judge Chaney has stated that she is unwilling to move the December 9 trial date.
9. Given the conflict described above, a brief delay of the oral argument on plaintiffs' motion for class certification is appropriate. Mr. Niblock is lead counsel for Ford in this case, where he appeared to argue plaintiffs' earlier class certification motion, and plans to argue the pending motion. Mr. Niblock is also an integral member of the trial team in *Unocal*. He has been in Los Angeles preparing for the *Unocal* trial since November 17,

2003, and is scheduled to be remain there until the trial goes on hiatus on December 17, 2003.

10. Ford's counsel has conferred with Plaintiff's counsel, and Plaintiff's counsel has indicated that they do not oppose rescheduling oral argument on class certification as proposed herein.

WHEREFORE, Ford respectfully requests that the Court reschedule oral argument on plaintiffs' class certification motion either to: 1) sometime between December 22, 2003 and January 12, 2004, or 2) sometime after January 31, 2004.

Respectfully Submitted,

December 2, 2003

s/Gary M. Glass

Gary M. Glass (0042417)
THOMPSON HINE LLP
Suite 1400
312 Walnut Street
Cincinnati, Ohio 45202
Telephone: (513) 352-6700

Brian C. Anderson (pro hac vice)
John F. Niblock (pro hac vice)
Thomas Kuczajda (pro hac vice)
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414

Attorneys for Defendant Ford Motor Company